

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| <p>In re:</p> <p>HAMIDULLAH NASRAT, AKA HAMID NASRAT,</p> <p>DEBTOR,</p> <p>SPECIALIZED LOAN SERVICING, LLC ATTORNEY-IN-FACT FOR THE BENEFIT OF THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS FOR THE CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-12</p> <p>MOVANT</p> <p>v.</p> <p>HAMIDULLAH NASRAT, AKA HAMID NASRAT and WILLIAM C. MILLER, CHAPTER 13 TRUSTEE</p> <p>RESPONDENTS</p> | <p>Bankruptcy No. 16-17460-mdc</p> <p>Chapter 13</p> <p>Document No.</p> |
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Specialized Loan Servicing, LLC as attorney-in-fact for the Benefit of The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders for the CWABS, Inc. Asset-Backed Certificates, Series 2006-12 (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), represents as follows:

The Parties

1. Respondent, Hamidullah Nasrat a/k/a/ Hamid Nasrat (“Debtor”), is an adult individual with a place of residence located at 7 Dukes Way, Feasterville Trevose, PA 19053-6472.
2. William C. Miller, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

Jurisdiction and Venue

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

Factual Background

4. On or about October 24, 2016, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. Movant holds a mortgage (the "Mortgage") on Debtor's real property located at 7 Dukes Way, Feasterville, PA 19053-6472 ("Property"), recorded in the Office of the Recorder of Deeds of Bucks County Pennsylvania, to secure a Note (the "Note") with a principal balance of \$275,920.00. True and correct copies of the Mortgage, Assignment of Mortgage, Note, and Loan Modification are attached hereto as Exhibits A, B, C, and D, respectively.

6. The outstanding balance owed to the Movant on the above referenced Note is \$330,610.65, which includes: \$3,508.31 in accrued interest, \$59,500.00 in deferred principal, \$2,607.63 in advances, and (\$1,227.38) less in suspense or partial balance paid.

7. Pursuant to the Note, mortgage payments are due on the 1st day of each month. The monthly mortgage payment is \$1,900.32.

8. Debtor has estimated the value of the Property as \$339,700.00 on Schedule D of their Voluntary Petition. Therefore, there is minimal equity in the Property. *See*, Voluntary Petition, Section D.

9. Debtor has failed to make post-petition mortgage payments due to the Movant. Debtor is currently three post-petition payments in arrears and is due for the February 1, 2020 post-petition payment.

10. Specialized Loan Servicing, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtain a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an

agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

11. Therefore, Specialized Loan Servicing, LLC as attorney-in-fact for the Benefit of The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders for the CWABS, Inc. Asset-Backed Certificates, Series 2006-12 is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtor has failed to make post-petition Mortgage payments to Specialized Loan Servicing, LLC as attorney-in-fact for the Benefit of The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders for the CWABS, Inc. Asset-Backed Certificates, Series 2006-12. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Specialized Loan Servicing, LLC as attorney-in-fact for the Benefit of The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders for the CWABS, Inc. Asset-Backed Certificates, Series 2006-12, respectfully requests that this Honorable Court enter an Order granting Specialized Loan Servicing, LLC as attorney-in-fact for the Benefit of The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders for the CWABS, Inc. Asset-Backed Certificates, Series 2006-12, relief from the automatic stay with regard to the real property located at 7 Dukes Way Feasterville, PA 19053.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: May 14, 2020